

Remarks

Claims 1-25 are pending of which claims 1, 2, 5-8, 10-16, 18, 20, and 22-25 are rejected and claims 3-4, 9, 17, 19, and 21 are withdrawn from consideration. By this paper, Applicant amends claims 1, 8, and 13 and adds new claims 26-27. Applicant respectfully traverses the rejections, however, Applicant amends the application to further prosecution.

Claim Rejections - 35 U.S.C. § 103

Rejection of claims 1, 2, 5-8, 11-13, 15-16, 18 and 22 over Strauss in view of Ellison

The Examiner rejected claims 1, 2, 5-8, 11-13, 15-16, 18 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Strauss (USPN 4,243,529) in view of Ellison (USPN 5,053,145).

Claim 1 is amended to include that the "the hollow body freely sinks in a pool of liquid to rest on an underlying surface of the pool of liquid". The Examiner stated that Strauss uses mooring lines in paragraph 26 of the Office Action. The mooring lines in Strauss are used "[i]n a large body of water, collection unit 14 is held in place by mooring lines 45 connected to eye 44 on hose-cable float 40. As will be evident, unit 14 will float to leeward (or downstream) . . . " Column 5, lines 23-26. Mooring lines prevent a floatable item, such as a boat, or the collection unit 14 of Strauss, from floating downstream or downwind. The Examiner also states that Ellison teaches that the weir 10 can be floating or stationary. The weir 10 (or oil collector) of Ellison does not freely sink in the liquid to an underlying surface. The weir 10 either floats (if floatable) on the surface of the liquid, or is mounted to a wall or other structure along a nearly constant liquid level if it is stationary. Therefore, since neither Strauss or Ellison teach, suggest, or provide any reason to have the apparatus freely sink to the underlying surface of a pool of liquid as claim 1 requires, claim 1 is nonobvious over the combination of references.

Claims 2, 5-8, 11-13, 15-16, 18 and 22 depend from claim 1 and are therefore nonobvious over the combination of Strauss and Ellison for at least the reasons stated above with respect to claim 1.

Additionally, claim 8 is amended to include " a pair of corresponding sleeves, each sleeve oriented on one of the pair of sections, and a fastener for use with the pair of sleeves" for releasably connecting the pair of sections. Neither Strauss or Ellison teach, suggest, or provide any reason to include a pair of sleeves and a fastener, and therefore claim 8 is nonobvious over the combination of references.

Additionally claim 12 requires that "the retaining means is a plurality of upright rods attached to an internal surface of the hollow body." The Examiner states that the retainer means is a "plurality of upright rods (70)" as shown in Figure 4. Strauss teaches that "[t]he unit is held together by a central bolt 70 extending the full height of the unit, from the bottom of base 54 upwardly through a center hole 51 in cover 52. Column 3, lines 6-9. Strauss teaches that "[a]n outlet duct 90 extends from the bottom of cavity 88 (defined by the top of ballast 88) diagonally through the ballast to a fitting 92 on the outside of the domed bottom of base 54. Oil hose 16 is connected to fitting 92." Column 3, lines 39-43. Strauss teaches that the central rod 70 is for connecting the unit and that the conduit is attached using fitting 92, and therefore teaches away from ""the retaining means is a plurality of upright rods" as is required in claim 12. Ellison does not disclose how the conduit is connected. Therefore, the combination of references teaches away from the limitations of claim 12, and claim 12 is nonobvious.

Additionally claim 13 is amended to require that "the retaining means is one of a plurality of peripheral ribs extending from an internal surface of the hollow body ." The Examiner states that Strauss discloses the retainer means as "the internal structure of both 52 and 54 is curved and thus constitute a rib". The curvature of the two sections 52, 54 of Strauss is not a rib extending from an internal surface of the hollow body as required by claim 13. A rib is "an elongated ridge" according to Webster's Dictionary. Ellison does not teach any retaining means. Therefore the combination of references does not teach, suggest, or provide any reason to include all of the limitations of claim 13, and claim 13 is nonobvious over the combination of references.

Rejection of claim 10 over Strauss in view of Ellison and further in view of Sloan

The Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Strauss (USPN 4,243,529) in view of Ellison (USPN 5,053,145) and further in view of Sloan (USPN 4,789,307).

Claim 10 depends from claim 1 which requires that the "the hollow body freely sinks in a pool of liquid to rest on an underlying surface of the pool of liquid". Claim 1 is nonobvious over Strauss and Ellison as discussed previously with respect to claim 1. The pump assembly 11 of Sloan has floatation such that it "will float one-third submerged as shown in Figure 4". Column 2, lines 38-42. Therefore, since neither Strauss, Ellison, or Sloan teach, suggest, or provide any reason to have the apparatus freely sink to the underlying surface of a pool of liquid as claim 1 requires, claim 1 is nonobvious over the combination of references.

Rejection of claims 14 and 20 over Strauss in view of Ellison further in view of Hagan

The Examiner rejected claims 14 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Strauss (USPN 4,243,529) in view of Ellison (USPN) 5,053,145 as applied to claim 4 further in view of Hagan (USPN 5,108,591).

Claims 14 and 20 depend from claim 1. Claim 1 is nonobvious over Strauss and Ellison as discussed previously with respect to claim 1. Hagan teaches that the collector 20 floats. Therefore, the combination of Strauss, Ellison, and Hagan do not teach, suggest, or provide any reason to include all of the limitations of claim 1. Claim 1, and therefore claims 14 and 20, are nonobvious over Strauss, Ellison, and Hagan.

Rejection of claims 23-25 over Breslin in view of Strauss

The Examiner rejected claims 23-25 under 35 U.S.C. § 103(a) as being unpatentable over Breslin (USPN 5,474,685) in view of Strauss (4,243,529).

Claim 23 requires that "one section of the pair of sections is hingedly attached to the other section of the pair of sections". The Examiner did not make any arguments or address this limitation in the office action. As such, the Examiner has not established a prima facie case of obviousness. Neither Breslin or Strauss teach, suggest, or provide any reason to include a hinged attachment, and therefore claim 23 is nonobvious over the combination of references.

Claims 24-25 depend from claim 23 and are therefore nonobvious over the combination of references for at least the reasons stated above with respect to claim 23.

New Claims

New claims 26 and 27 are added and depend from claim 1. Support for the added claim is found in the as-filed specification.

Conclusions

In view of the foregoing, Applicant respectfully asserts that the application is in condition for allowance, which allowance is hereby respectfully requested.

The Petition fee of \$245.00 is being charged to Deposit Account No. 02-3978 via electronic authorization submitted concurrently herewith. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978.

Respectfully submitted,

Angus Reardon

By /Tiffany A. Fidler/
Tiffany A. Fidler
Reg. No. 65,366
Agent for Applicant

Date: 05/18/2010

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351